

House Bill 73
January 10, 2013
Presented by Ken McDonald
House Fish, Wildlife and Parks Committee

Mr. Chairperson and committee members, I am Ken McDonald, Wildlife Division Administrator of the Montana Department of Fish, Wildlife and Parks (FWP). I am here in support of House Bill 73.

House Bill 73 has been brought forward at the request of Montana Fish, Wildlife and Parks (MFWP), and contains a number of provisions that will help better manage wolves in Montana. Most importantly, it would enable the Fish, Wildlife and Parks Commission to authorize hunters to take multiple wolves. Based on Commission action already passed when they set the current season, it would immediately allow hunters to take up to three wolves this season vs. the one currently allowed by statute, assuming it passes and is signed as quickly as possible. That number could be adjusted in future years based on the population size and hunter success.

This bill also would reduce the price of a nonresident license from \$350 to \$50. It would allow the use of electronic calls which are currently prohibited, and it would not require hunters to wear hunter orange outside the regular big game season. Collectively, these tools will increase management flexibility and hunter effectiveness, while still complying with Montana's wolf management plan.

Over the course of this Legislative session, there are likely to be numerous bills directed at more aggressive management of wolves. While Montana Fish, Wildlife and Parks appreciates the frustration about wolves, we urge caution against more aggressive statutory language that could jeopardize Montana's ability to manage wolves at all. A measured approach to management, as allowed by the provisions in HB 73 provides necessary tools for the FWP Commission to adjust seasons and bag limits as necessary to manage the wolf population, without deviating from the State's Wolf Management Plan and wolf management administrative rules.

We have worked very hard to get to a point where wolves could be removed from the federal Endangered Species Act list. They have been delisted three times, only to be relisted as a result of court action the first two times. It literally took an act of Congress to finally get them off the list, and management under the authority of MFWP. We are in our third hunting season, and have demonstrated that wolves in Montana will be responsibly managed, and they will be managed. House Bill 73 provides additional tools for management of wolves, while demonstrating commitment to Montana's plan and the criteria necessary to keep them off the federal Endangered Species list.

We recommend immediate passage of HB 73 as written so it can be quickly acted on in the House and transmitted to the Senate. Quick passage of this bill will enable implementation yet this hunting season.

FWP Wolf Management Accomplishments

- FWP has a long history of fighting for complete Montana authority for wolf management. FWP fully supported the Congressional action delisting wolves.
- FWP supported the US Fish and Wildlife Service with delisting litigation:
 - In federal District Court in Oregon in 2003, FWP defended the decision of the U.S. Fish and Wildlife Service (USFWS) to down list wolves to threatened throughout most of the United States. The court ruled against USFWS and Montana.
 - In 2008 in federal District Court in Montana, FWP defended the USFWS's delisting of the northern Rocky Mountain grey wolf. Over the objections of the USFWS, Montana, Idaho, and Wyoming, the district court granted a preliminary injunction halting planned wolf hunts in Montana, Idaho, and Wyoming. USFWS then withdrew the delisting rule so they could adopt a revised delisting rule that left the wolf still listed in Wyoming.
 - In 2009-2010 again in federal District Court in Montana, FWP defended this second USFWS delisting rule. A request for a preliminary injunction was denied by the court which allowed a wolf hunting season in 2009. However, the court in 2010 vacated the rule as a violation of the federal Endangered Species Act. The USFWS, FWP, and others appealed the ruling to the 9th Circuit. The appeal became moot when Congress delisted the northern Rocky Mountain grey wolf except in Wyoming.
 - FWP, USFWS, and others successfully defended the congressional delisting of wolves both in federal District Court in Montana and then in the 9th Circuit.
- FWP offered the first hunting season in 2009 which led to a successful harvest of 72 wolves under a statewide quota of 75.
- The FWP Commission adopted a 2010 season framework with a quota of 186. However, there was no season in 2010 because litigation forced the relisting of wolves.
- Hunting opportunity was increased for the 2011 season. FWP expanded the number of Wolf Management Units and added quotas for each WMU, with a stated goal of reducing the population to 425. Early archery hunting was added. The quota was increased to 220. In November 2011, the season close was extended to February 15 to increase harvest. The final harvest was 166, more than double the 2009 harvest.
- Wolves were delisted in May 2011 as a result of Congressional action affirming the 2009 U.S. Fish and Wildlife Service delisting rule.
- The 2012 season framework was liberalized to substantially increase wolf harvest and reduce the number of wolves in Montana. Changes include:
 - No statewide quota. Quotas only in 2 WMU's adjacent to the Parks (110, 316). Harvest in the remainder of Montana is unlimited.
 - Longer season - expanded to a later closing date and expanded to include the week prior to deer/elk season. The season now runs from September 1 through February 28 (6 months), and can be further extended in the future.

- Addition of wolf trapping season in Montana. The Idaho trapping season increased the 2011 Idaho wolf harvest by 50%.
- Wolf trapper education to minimize conflicts and increase harvest rates. FWP certified 2,414 wolf trappers. Instructors included experienced, professional wolf trappers.
- Increased the trapping bag limit to 3.
- As of January 8, 2013, the wolf harvest is 140, including 105 wolves taken via hunting and 35 via trapping. Wolf trappers are taking 1.4 wolves/day. At that rate, trapping harvest will exceed 100 this year. As of January 8, 2012, the wolf harvest was 131.
- FWP will propose additional significant measures to liberalize seasons for 2013 if the harvest is inadequate.
- FWP empowered Wildlife Services to respond and act on livestock depredation complaints without FWP oversight. Under the new protocol (adopted in December 2012), Wildlife Services may, upon confirming wolf as the cause of a depredation, responsibly identify, target and remove offending wolves, including entire packs, using all approved methods, including aerial gunning.
- Over the past 3 years, FWP authorized the removal of over 300 wolves in response to livestock depredations.
- FWP made certain to allow livestock owners to exterminate wolves that are threatening their livestock or other animals without fear of prosecution. FWP routinely authorizes kill permits for landowners with livestock depredations and that will continue.
- FWP wolf management will be scrutinized by the US Fish and Wildlife Service through the 2016 federal status review. FWP must demonstrate adequate regulatory mechanisms. Put another way, FWP must demonstrate responsible management that will maintain a recovered wolf population in Montana. Recently liberalized harvest regulations and the new depredation protocol represent substantial movement toward the edge of "adequate regulatory mechanisms".
- HB 73 would add to these measures to increase wolf harvest and reduce the number of wolves in Montana:
 - Allows the sale of multiple wolf licenses. Passage would immediately increase the hunting bag limit to 3 wolves (Adopted by the Commission in July 2012). The bag limit could be expanded in the future without statutory limits (e.g. 8 tags/person). Eight tags would not be legal under HB 31.
 - Allows electronic calls.
 - Allows hunting without hunter orange outside the deer and elk season.
 - Reduces the nonresident wolf license fee from \$350 to \$50. This is expected to generate additional harvest by nonresident elk and deer hunters that could be significant.